

FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
WESTERN DIVISION

99 OCT 14 AM 9:59

U.S. DISTRICT COURT  
N.D. OF ALABAMA

ENTERED

OCT 14 1999

BYRON WEEKS,

Petitioner,

v.

THE ATTORNEY GENERAL FOR THE  
STATE OF ALABAMA,

Respondent.

CIVIL ACTION NO. 98-C-1819-W

MEMORANDUM OF OPINION

The petitioner was indicted by a Greene County Grand Jury on April 15, 1997, on the charge of theft of property in the second degree (*Code of Alabama* § 13A-8-4 (1975)). He filed a motion for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, with this court on July 16, 1998. (Doc. 1). He claimed that he was denied a speedy trial on the pending charges.

On December 24, 1998, the respondent filed an answer that included a motion to dismiss premised on a lack of jurisdiction. (Doc. 14). On September 17, 1999, the respondent filed another motion to dismiss. (Doc. 17). In this motion, the respondent asserts that the petition is due to be dismissed as the Greene County theft charge has been dismissed. The court entered an order on September 21, 1999, affording the petitioner an opportunity to respond to said motion. (Doc. 18). The petitioner responded on October 1, 1999, by filing a motion to dismiss his petition. (Doc. 19).

Upon consideration of the respondent's motion to dismiss, the court finds that the motion (doc. 17) is due to be granted as the request for relief is moot. The remaining motions to dismiss (doc. 14 & 19) and the petitioner's application for a writ of habeas corpus (doc. 1) are moot. An appropriate order will be entered.

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DONE this the 8<sup>th</sup> day of October, 1999.

A handwritten signature in black ink, appearing to read "U. W. Clemon", written over a horizontal line.

U. W. CLEMON  
UNITED STATES DISTRICT JUDGE